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Message Text

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ACTION DLOS-06

INFO OCT-01 ARA-10 IO-13 ISO-00 SSO-00 NSCE-00 USIE-00
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----------032240Z 011261 /44
O R 032210Z MAR 77
FM AMEMBASSY SANTO DOMINGO
TO SECSTATE WASHDC IMMEDIATE 9865
INFO USMISSION USUN NY
USMISSION GENEVA

UNCLAS SANTO DOMINGO 1026

E.O. 11652: N/A
TAGS: LOS, DR
SUBJ: TEXT OF DOMINICAN BILL ON EXTENSION OF MARITIME JURISDICTION

REF: SANTO DOMINGO 1024

FOLLOWING IS INFORMAL TRANSLATION OF PROPOSED LEGISLATION
REPORTED REFTEL:

BEGIN QUOTE: THE NATIONAL CONGRESS IN THE NAME OF THE REPUBLIC;

CONSIDERING THE CURRENT TENDENCY EVIDENCED BY VARIOUS COUNTRIES
WHO HAVE CLAIMED FOR THEMSELVES THE RESOURCES OF THE SEA INCREASING
THE LIMITS OF THEIR JURISDICTIONAL WATERS; AND THAT THE UNITED
NATIONS ORGANIZATION IS UNDERTAKING THE HARMONIOUS REGULATION OF
SUCH TENDENCIES WHICH WILL CONSTITUTE THE NORMS OF A DEFINITIVE
CODIFICATION OF THE LAW OF THE SEA;

CONSIDERING THE NECESSITY FOR THE DOMINICAN STATE TO UNDERTAKE
THE EXPLOITATION OF THE MARINE RESOURCES LOCATED BEYOND ITS
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TERRITORIAL WATERS;

CONSIDERING THAT THE UPDATING OF OUR LEGISLATION WITH RESPECT TO
THE ADVANCES OBTAINED BY SCIENCE AND TECHNOLOGY IN THIS MATTER
CANNOT BE DELAYED, TO ACCORD A FULL AND EFFECTIVE EXERCISE
BY THE COASTAL STATE OF ITS RIGHTS, AND IN VIEW OF THE DUTY THAT
WE HAVE TO PRESERVE SUCH VALUABLE RESOURCES FOR THE USE OF PRESENT

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AND FUTURE GENERATIONS;

BY VIRTUE OF ARTICLE 5 OF THE CONSTITUTION OF THE DOMINICAN REPUBLIC;

BY VIRTUE OF THE DECLARATION OF SANTO DOMINGO F THE SPECIAL CONFIERENCE OF CARIBBEAN STATES ON PROBLEMS OF THE SEA, DATED JULY 9, 1972;

HAS PASSED THE FOLLOWING LAW:

ARTICLE Q - THE TITLE OF LAW 186 OF SEPTEMBER 13, 1967 AND ARTICLES 3, 4, 5, 6, 7 AND 8 ARE MODIFIED AS FOLLOWS:

TITLE "ON THE TERRITORIAL SEA, CONTIGUOUS ZONE, EXCLUSIVE ECONOMIC ZONE AND CONTINENTAL SHELF"

ARTICLE 3 - THERE IS ESTABLISHED A CONTIGUOUS ZONE SUPPLEMENTARY TO THE TERRITORIAL SEA CALLED "CONTIGUOUS ZONE" FORMED BY A BELT OF SEA ADJACENT TO THE EXTERIOR LIMIT OF THE LATTER WHCH SHALL EXTEND TO 24 NAUTICAL MILES COMPUTED FROM THE BASELINE FORM WHICH IS MEASURED THE WIDTH OF THE TERRITORIAL SEA.

PARAGRAPH 1 - THE DOMINICAN STATE WILL EXERCISE IN THE CONTIGUOUS ZONE THE REGULATORY MEASURES NECCARY TO:

(A) AVOID INFRACTIONS OF ITS CUSTOMS, FISCAL, IMMIGRATION AND SANITATION LEGISLATION WHICH MIGHT BE COMMITTED ON ITS TERRITORY OR IN ITS TERRITORIAL SEA.
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(B) SUPPRESS INFRACTIONS OF THAT LEGISLATION COMMITTED ON ITS TERRITORY OR IN ITS TERRITORIAL SEA.

ARTICLE 4 - THERE IS ESTABLISHED A ZONE SITUATED OUTSIDE AND ADJACENT TO THE FOREGOING WHICH WILL BE DESIGNATED "EXCLUSIVE ECONOMIC ZONE".

PARAGRAPH 1 - THE "EXCLUSIVE ECONOMIC ZONE" WILL EXTEND IN THE DIRECTION OF THE HIGH SEA FOR 200 NAUTICAL MILES MEASURED FROM THE BASELINES FROM WHICH THE BREADTH OF THE TERRITORIAL SEA IS MEASURED. (THERE FOLLOWS THE DELIMITATION, WITH COORDINATES AND LANDMARKS, OF THE AREA INCLUDED IN THE ZONE).

ARTILCE 5 - THE DOMINICAN STATE WILL EXERCISE IN THIS ZONE SOVEREIGN RIGHTS FOR THE PURPOSE OF EXPLORATION AND EXPLOITATION, CONSERVATION AND ADMINISTRATION OF THE NATURAL RESOURCES, WHEHTER LIVING OR NON-LIVING, OF THE BED AND SUB SOIL AND THE SUPERJACENT WATERS.

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PARAGRAPH 1 - LIKEWISE, IT WILL EXERCISE EXCLUSIVE RIGHTS AND JURISDICTION WITH REGARD TO THE ESTABLISHMENT AND USE OF ARTIFICIAL ISLANDS, INSTALLATIONS AND STRUCTURES WITHIN THE ZONE.

PARAGRAPH 2 - THE DOMINICAN STATE WILL EXERCISE EXCLUSIVE JURISDICTION WITH RESPECT TO OTHER ACTIVITIES FOR THE ECONOMIC EXPLORATION AND EXPLOITATION OF THE ZONE, SUCH AS THE PRODUCTION OF ENERGY DERIVED FROM WATER, FROM CURRENTS AND FROM WINDS.
PARAGRAPH 3 - THE DOMINICAN STATE WILL EXERCISE JURISDICTION WITH RESPECT TO THE PRESERVATION OF THE MARINE ENVIRONMENT, INCLUDING POLLUTION CONTROL AND ABATEMENT.
PARAGRAPH 4 - THE DOMINICAN STATE WILL REGULATE RESEARCH, EXPLORATION AND EXPLOITATION OF THE RESOURCES WITHIN THIS ZONE.
ARTICLE 6- ESTABLISHMENT OF THE PRESENT EXCLUSIVE ECONOMIC ZONE WILL NOT EFFECT THE RIGHTS OF FREE NAVIGATION AND OVERFLIGHT AND THE LAYING OF SUBMARINE CABLES AND PIPELINES, AND OF OTHER
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LEGITIMATE INTERNATIONAL USES OF THE SEA RELATED TO NAVIGATION AND COMMUNICATION, WITHOUT PREJUDICE TO THE RESPECT FOR THE LAWS OR REGULATIONS DICTATED BY THE DOMINICAN STATE IN CONFORMITY WITH THE PRESENT LAW, AS WELL AS THE NORMS OF INTERNATIONAL LAW.
ARTICLE 7 - THE DOMINICAN STATE WILL EXERCISE THE RIGHTS OF SOVEREIGNTY OVER THE CONTINENTAL SHELF FOR THE PURPOSE OF EXPLORATION AND EXPLOITATION OF ITS NATURAL RESOURCES.
PARAGRAPH 1 - FOR THE PURPOSES OF THIS ARTICLE THE EXPRESSION "CONTINENTAL SHELF" COMPRISES THE SEA-BED AND SUBSOIL OF THE SUBMARINE AREAS THAT EXTEND BEYOND ITS TERRITORIAL SEA THROUGHOUT THE NATURAL PROLONGATION OF ITS LAND TERRITORY TO THE OUTER EDGE OF THE CONTINENTAL MARGIN, OR TO A DISTANCE OF 200 NAUTICAL MILES FROM THE BASELINES FROM WHICH THE TERRITORIAL SEA IS MEASURED WHERE THE OUTER EDGE OF THE CONTINENTAL MARGIN DOES NOT EXTEND UP TO THAT DISTANCE.
PARAGRAPH 2 - THE RIGHTS REFERRED TO IN THE PRESENT ARTICLE ARE EXCLUSIVE IN THE SENSE THAT IF THE COASTAL STATE DOES NOT EXPLORE THE CONTINENTAL SHELF OR EXPLOIT TIS NATURAL RESOURCES, NO ONE MAY UNDERTAKE THESE ACTIVITIES WITHOUT ITS EXPRESS CONSENT.
PARAGRAPH 3 - THE NATURAL RESOURCES REFERRED TO IN THE PRESENT PROVISIONS ARE THE MINERAL AND OTHER NON-LIVING RESOURCES OF THE SEA-BED AND SUBSOIL, AS WELL AS THE LIVING ORGANISMS BELONGING TO THE SEDENTARY SPECIES, THAT IS TO SAY, THOSE WHICH IN THE PERIOD OF EXPLOITATION ARE IMMOBILE ON THE SEA-BED OR IN THE SUBSOIL OR WHICH CAN MOVE ONLY IN CONSTANT PHYSICAL CONTACT WITH SAID SEA-BED OR SUBSOIL.
ARTICLE 8 - THE PROVISIONS OF THE PRESENT LAW WILL BE APPLIED IN HARMONY WITH THE PERTINENT NORMS OF INTERNATIONAL LAW AND THE CONVENTIONS IN EFFECT ON THE SUBJECT, WHICH WILL BE APPLIED IN THE EXCLUSIVE ECONOMIC ZONE TO THE EXTENT THAT THEY ARE NOT INCOMPATIBLE WITH IT.

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ARTICLE 9- THE PRESENT LAW ANNULS ANY PROVISION CONTRARY TO IT.
END QUOTE

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Message Attributes

Automatic Decaptioning: X
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Executive Order: N/A
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Status: NATIVE
Subject: TEXT OF DOMINICAN BILL ON EXTENSION OF MARITIME JURISDICTION
TAGS: PLOS, DR, LOS
To: STATE
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/c30838be-c288-dd11-92da-001cc4696bcc
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